



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/695,481

10/27/2003

Cheryl Phillips

34250-1150

5221

29052

7590

03/10/2009

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

03/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,481	Applicant(s) PHILLIPS ET AL.	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 January 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 10, 20 and 29 have been considered but are moot in view of the new ground(s) of rejection.

3. The Examiner would like to thank the Applicant for noting the publication date of the NACHA_ARC reference. The reference is based on the 2002 ACH Rules and the Corporate Edition of the 2002 ACH Rules made available at NACHA's PAYMENTS 2002 Conference, April 14-17, 2002 from NACHA News Release of 13 March 2002 and Regulation E, Federal Reserve System (12 CFS Part 205) with an effective date of 1 January 2002.

Status of the Claims

4. Independent Claims 1, 10, 20 and 29 have been amended.
5. Claims 1-36 are pending and have been examined in this action.

Claim Rejections - 35 USC § 103

6. **Claims 1-5, 10-15, 20-24, and 29-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al., US 7,329,960 B2 hereafter known as Enoki and further in view of Sanders et al., US 2003/0158811 A1 hereafter known as Sanders and in further view of the combination of NACHA_ARC with reference to Regulation E and NACHA News, hereafter known as NACHA_ARC_FedE.

Claims 1, 10, 20 and 29:

With regard to the limitations:

- ***Generating a list of a plurality of transaction records editable via the location-base device of one or more converted checks;***

Enoki in at least Column 1, lines 5–12 discloses a POS system having a novel configuration that facilitates the process of canceling or correcting transaction data once registered at a POS terminal which is used as an electronic cash register.

Enoki does not specifically disclose the payment means as being made by check. However, Sanders in at least paragraphs [0002 and 0352] discloses a financial transaction processing method and apparatus which is a rules based electronic funds transaction processing system for use by retailers and mostly any business which accepts or processes payments for goods and/or services. Sanders in at least paragraphs [0008 through 0010] discloses both consumer and corporate ACH transactions depending on the relationship of the parties involved in the transaction and the type of Receiver account. Sanders in at least paragraphs [0011] further discloses that every transaction requires an origin type Sanders in at least paragraph [0013] further discloses that front-end processing by merchants is performed via a number of different software applications. Sander in at least paragraph [0012] discloses NACHA rules for ARC (accounts receivable entries) and where ARC represents a central conversion of paper checks to electronic payments.

Enoki and Sanders do not specifically disclose generating a list of transaction records per se, however Enoki in at least FIG.4, FIG.6, FIG.10, FIG.11, FIG.12A, FIG.12B, Column 4, lines 66-67, Column 5, lines 1-25 discloses a store server which includes a transaction log file 9 (see FIG.6) for recording the contents of editable transactions registered at a plurality of POS terminals (see FIG.4). Enoki in at least Column 5, lines 13-34 further discloses a screen display means for displaying a transaction and a keyboard/bar-code reader for use in storing transactions in a log file and searching for and editing/canceling a transaction stored in a transaction log file.

Sanders in at least paragraph [0290] and FIG.5 discloses a transaction file which is comma separated and where transactions are listed one per line and each transaction having a unique trace number. Sanders, in at least paragraphs [0165-0166], further discloses searching for and viewing a transaction history. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Enoki with Sanders and including, generating a list of transaction records with the motivation of allowing a teller/cashier to easily peruse and edit/cancel transactions.

- ***Accessing editable transaction records.***

Enoki in at least FIG.4, FIG.6, FIG.10, FIG.11, FIG.12A, FIG.12B, Column 4, lines 66-67, Column 5, lines 1-25 discloses a store server which includes a transaction log file 9 (see FIG.6) for recording the contents of editable transactions registered at a plurality of POS terminals (see FIG.4).

- ***Providing via a location-base device the list of transaction records;***
- ***Accounts receivable check transaction records do not receive an editing receipt via the location-base device.***

Enoki in at least Column 3, lines 29-64 discloses a POS system with a plurality of POS terminals for transmitting transaction data to a store server and a means for canceling/editing a stored transaction. Sanders in at least FIG. 11 and paragraph [0313] still further discloses an account receivable conversion workflow where checks are scanned both OCR and MCIR to create network ready data files. Saunders in at least paragraph [0314] still further discloses a verification process for the network ready data files and for manual editing of deficiencies. Sanders in at least FIG. 11 and paragraph [0315] further discloses that in the final step (268), transaction activity is integrated and receipts information is automatically applied to a customer's accounts receivable. NACHA_ARC_FedE in at least paragraph [5] discloses the requirement to use a reading device to capture the MICR line (routing number, account and check serial number) from the check and will enter the amount. He may NOT key enter the MICR information except to correct misreads. Therefore, it would be obvious, at the time of the invention, to one of ordinary

Art Unit: 3627

skill to combine the well known POS Transaction features of Enoki with the Electronic Funds Transfer features of Sanders and with the well known clearinghouse features of NACHA_ARC_FedE for handling and being able to distinguish and process ARC (accounts receivable) to achieve the predictable results with the motivation of ensuring that non-face-to-face checks are properly cleared (editing receipt is not printed).

Claims 2-5, 11-15, 21-24, and 30-36:

With regard to the limitations:

- ***Check image contains magnetic ink character recognition (MICR) information.***
- ***Check transaction records include accounts receivables that do not get an editing receipt.***
- ***Check transaction records include face-to-face previously authorized by a check processing service.***

Enoki is silent on these limitations. Sanders in at least Fig.10 and paragraph [0297] discloses transaction processing and scanning of paper financial transaction payment instruments with a scanned transaction retrieval module configured to separate MICR and transaction data detail from the scanned image and transmitting the transaction data to the business layer for further processing according to some multiple independent rules. Sanders in at least paragraph [0299] further discloses that the multiple independent rules are configured to determine the clearinghouse eligibility of the transaction items based on the MICR data and / or transaction data of the respective transaction item.

7. **Claims 6-9, 16-19, and 25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as applied to claims 1-3, 10-13, and 20-21 above, and further in view of Slater, US 7,020,639 B1.

Art Unit: 3627

Claims 6-9, 16-19, and 25-28:

Enoki, Sanders and NACHA_ARC_FedE were used to reject the claims above. With regard to the limitations:

- ***Transaction records can be edited to correct deficiencies.***

Saunders in at least paragraph [0314] discloses a verification process for editing deficiencies.

Saunders however, does not disclose the following limitation.

- ***Check transaction records previously authorized by a check processing service have a risk assessment performed on them.***

Slater in at least Column 7, lines 62-67 and Column 8, lines 1-20 discloses a method for assessing a check based on the past and current performance of a checking account. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Sanders' rules based electronic funds transaction processing with the risk assessment of Slater to minimize losses to merchants and check processing companies from fraudulent checks.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

19 February 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627